

REMARKS / ARGUMENTS

In the present application, claims 1 – 10, 16, 19 – 21, 26 – 28, 30, 31, and 34 – 36 are currently pending, with claims 1, 6, 16, 19, 26, 30, 31, and 34 being independent claims. In the Office action, claims 1, 6, 16, 19 – 21, 26 – 28, 30, 31, and 34 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Pat. No. 6,141,759 to Braddy (“Braddy”). In addition, dependent claims 2 – 5 and 7 – 10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Braddy in view of other references.

The Office action dated June 7, 2004 has been carefully considered. Independent claims 1, 6, 16, 19, 30, 31, and 34 have been amended to further define that the list of servers is maintained by the client and that an error message indicating that a server is off-line, even though the server is on-line, is sent out in response to a request from a non-delegable client. Furthermore, claims 2, 3, 7, and 8 have been amended to change “queue manager” to “query manager” to correct a typographical error. *See* Application, page 7, line 21 (referring to a “query manager” and not a “queue manager”). In view of the amendments and remarks herein, it is respectfully requested that the rejections of the claims be reconsidered and withdrawn.

The Client of Braddy Does Not Maintain A List of Servers

Amended independent claims 1, 6, 16, and 19 recite a “list of servers” that is “maintained by the client.” Such a list is referenced by a client that does not understand a server’s delegation of service requests in order to enable the client to send service requests to alternate servers. Because the client does not understand the delegation of service requests, absent such a list the client would not be able to send the request to an alternate server.

In contrast, the Braddy reference makes no mention of a list of servers maintained by the client, nor of a client's ability to send service requests to an alternate server within a list of servers maintained by the client. On the contrary, Braddy teaches a computer network where non-delegable clients rely on an intermediary. Specifically, Braddy states that "[w]hen the client requests are received by the first server computer system, the client requests are *intercepted* and examined by a request broker software system of the present invention *implemented on the first server computer system*." Braddy, column 6, lines 20 – 24 (emphasis added). Braddy further teaches that the "request broker software system *acts as a central point to distribute, monitor, and manage information requests* received by the first server computer system." Braddy, column 6, lines 24 – 27 (emphasis added). Thus, Braddy teaches a system where an intermediary, and not the client, sends the request to alternate servers if the original server cannot handle it. Id. The client of Braddy never participates in a process of selecting alternate servers. It acts as a dumb device that merely sends the request to the intermediary, and is not even aware of the assignment of the request to alternate servers. The client of Braddy does not, therefore, maintain a list of servers to which alternate service requests may be distributed because it has no use for such a list. Consequently, Braddy neither teaches nor suggests a list of servers maintained by the client. Furthermore, none of the other references cited in conjunction with Braddy teach or suggest a client that maintains a list of servers to which alternate service requests may be sent.

Braddy Does Not Teach Sending Of False Off-Line Error Message

Amended independent claims 30, 31, and 34 all specify that an “off-line” error message is sent to the client “even though the server is on-line”. Similarly, independent claim 26 recites “means for sending ... an error message that a computer is off-line ... when the computer is on-line”. The “off-line” error message is sent even though the server of claims 30, 31, and 34, or the “special purpose computer” of claim 26, is not actually off-line. Thus, a false “off-line” error message is used for the purpose of triggering the client, which does not understand delegation requests, to select an alternate server from a list of servers maintained by the client.

However, Braddy neither teaches nor suggests the sending of such a false “off-line” error message. Although Braddy describes sending the error messages from the server to the client in the context of processing an information request received from the client, the sending of a false “off-line” error message while the server is actually on-line is never disclosed. *See* Braddy column 14, lines 49 – 65. For example, Braddy states that “if the error was due to a communication problem, then the failed request should be retried at the maximum rate using high-speed retries.” Braddy column 14, lines 61 – 65. The “communication problem” of Braddy could include situations when a server is off-line. *See e.g., Id.* In such situations, however, the “communication problem” error messages of Braddy would reflect the occurrence of a true communication error. Braddy neither teaches nor suggests the use of “off-line” error messages for any other purpose. Furthermore, none of the other references cited in conjunction with Braddy teach or suggest the sending of false “off-line” error messages while the server is actually on-line.

The Dependent Claims

Each dependent claim incorporates the elements of its parent or base independent claim, and each parent claim is believed to be patentable for the reasons set forth above. Accordingly, the dependent claims 2 – 5, 7 – 10, 20, 21, 27, 28, 35, 36 are believed to be patentable for the same reasons. Nevertheless, Applicant reserves the right to present further arguments in the future with regard to the dependent claims in the event that the dependent claims are found to be unpatentable.

CONCLUSION

Because none of the cited references, either alone or in combination, teach or suggest the claimed “list being maintained by the client”, independent claims 1, 6, 16, and 19 are allowable. Similarly, because none of the cited references, either alone or in combination, teach or suggest the claimed “off-line” error message being sent to the client “even though the server is on-line” or “when the computer is on-line,” the remaining independent claims 26, 30, 31, and 34 are also allowable. Furthermore, claims 2 – 5, 7 – 10, 20, 21, 27, 28, 35, 36, which depend from the independent claims, are also allowable for at least the above reasons.

The application is considered to be in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue.

In re Appln. of JUSTER
Application No. 09/461,487

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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